

FILED

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ANGIE S. MOORE, Clerk of District Court
By *[Signature]* Deputy Clerk

*Attorney for County of Daniels,
appearing Amicus Curiae*

MONTANA FIRST JUDICIAL DISTRICT COURT,
LEWIS & CLARK COUNTY

BOARD OF REGENTS OF HIGHER
EDUCATION OF THE STATE OF
MONTANA,
Petitioner,

vs.

THE STATE OF MONTANA, by and
through Austin Knudsen, Attorney
General
of the State of Montana in his official
capacity,

Respondent.

Cause No. BVD-2021-598 *(ampul)*

Hon. Michael F. McMahon

**UNOPPOSED MOTION FOR
LEAVE FOR DANIELS COUNTY
TO PARTICIPATE AS
AMICUS CURIAE**

COMES NOW the County of Daniels (hereinafter "County") and respectfully moves this Court for leave to participate in the above-captioned case and appear as amicus curiae. As the Montana Supreme Court has recognized, "the right to be heard as amicus curiae is within the discretion of the court." *Eberl v.*

Scofield, 244 Mont. 515, 520, 798 P.2d 536, 539 (1990) (internal quotations and citations omitted).

INTEREST OF THE APPLICANT

The County has a strong interest in this case because dozens of County residents are currently students in the Montana University System (hereinafter "MUS") and hundreds more visit MUS campuses each year. The County has further interest in upholding the provisions of HB 102 as County residents are overwhelmingly in favor of HB 102, and County residents have a strong desire to keep themselves and other community members safe on MUS campuses through the responsible possession of self-defense firearms.

REASONS WHY A BRIEF FROM THE COUNTY OF DANIELS IS DESIRABLE

The duly elected 67th Legislature of the State of Montana passed House Bill 102 with the express purpose of "reduc[ing] or remov[ing] provisions of law that limit or prohibit the ability of citizens to defend themselves by restricting with prior restraint the right to keep and bear arms that the people have reserved to themselves in the Montana constitution ..." The County respectfully requests the Court's leave to file an amicus brief explaining why the Board of Regents' (hereinafter "BOR") restrictions concerning the possession and use of firearms on MUS property is subject to prior restraint analysis.

**IDENTITY OF PARTY WHOSE POSITION THE COUNTY OF DANIELS
SUPPORTS**

The County supports the position of AG Knudsen in this matter.

PROPOSED DATE FOR FILING THE COUNTY OF DANIELS'S BRIEF

The County's brief is filed contemporaneously with this Motion.

POSITIONS OF OTHER PARTIES

AG Knudsen has been contacted and consents to the County appearing as amicus curiae in this matter. BOR has been contacted, and the BOR does not object to Daniels County participating as *amicus curiae* within the scope described by the District Court.

Accordingly, the County respectfully requests this Court grant leave to appear as amicus curiae and file a brief in support of the AG's position. A proposed order is filed contemporaneously with this motion.

DATED this 21st day of September, 2021.

O'TOOLE LAW FIRM

By: 

Logan P. Olson

CERTIFICATE OF SERVICE

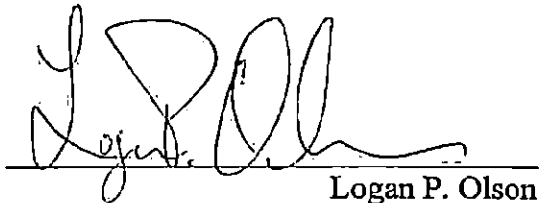
I, Logan P. Olson, hereby certify that I have served true and accurate copies of the foregoing Unopposed Motion for Leave for Daniels County to Participate as *Amicus Curiae* to the following on the 21st day of September, 2021:

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